



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/168563

PRELIMINARY RECITALS

Pursuant to a petition filed September 09, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department in regard to FoodShare benefits (FS), a hearing was held on October 08, 2015, at Kenosha, Wisconsin.

The issue for determination is whether the Kenosha County Human Services Department (the agency) correctly ended the Petitioner's FoodShare benefits, effective October 1, 2015.

NOTE: The record was held open to give the Petitioner an opportunity to submit documentation of the income verification that he provided. The Petitioner submitted a packet that contained a transmission verification report dated September 8, 2015, with a copy of a receipt, a handwritten note, a transmission verification report dated October 1, 2015, a paystub dated September 23, 2015 and an employer verification of earnings form, dated October 1, 2015. The packet has been marked as Exhibit 6 and entered into the record.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Karen Mayer, Fair Hearing Coordinator
Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On July 8, 2015, the Petitioner completed a FoodShare SMRF, and his case was noted as remaining open, but his healthcare was noted as closed due to no renewal. (Exhibit 2)
3. On July 24, 2015, the Petitioner contacted the agency asking why his healthcare benefits ended and was informed that he had not completed a renewal. The agency attempted to complete an interview, but the Petitioner was unable to do so, at that time. (Exhibits 2 and 3)
4. The agency processed a renewal for FoodShare and Healthcare on August 17, 2015 and attempted to contact the Petitioner to complete his interview. (Exhibit 2)
5. On August 18, 2015, the agency sent the Petitioner a notice, indicating that he needed to contact the agency by August 27, 2015 to complete his FoodShare interview and that he needed to provide income verification for his BadgerCare renewal. (Exhibit 4)
6. On August 28, 2015, the agency sent the Petitioner a notice indicating that his BadgerCare+ benefits would be ending, effective August 1, 2015, because he did not provide the requested verification and that his FoodShare benefits would be ending, effective October 1, 2015, because he did not complete his interview. (Exhibit 5)
7. On September 8, 2015, the Petitioner provided one receipt for the week ending August 21, 2015, showing gross income of \$299.25. (Exhibit 6)
8. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on September 9, 2015. (Exhibit 1)

DISCUSSION

“An interview must be completed within the review month of the current certification period to be considered timely.” *FoodShare Wisconsin Handbook FSH §2.2.1.4* If the household fails to complete a timely interview, FoodShare will close effective the last day of the review month and a new FoodShare application is required. *Id.*

The certification period for most food groups is 12 months. *FSH §2.2.1*

Food units that include a migrant/seasonal farm work, and food units that are homeless, have six month certification periods. *FSH 2.2.1.1*

There is nothing in the record to indicate the Petitioner’s food unit includes a migrant/seasonal worker and there is no indication that the Petitioner and his family are homeless. As such, it is reasonable to conclude they have a 12-month certification period for FoodShare.

The case comments indicate that the Petitioner completed a six month report form on July 8, 2015, and that his FoodShare case remained open. The case comments for July 2015, going forward discuss Petitioner’s healthcare benefits being closed for lack of renewal, but not FoodShare. This means, his FoodShare certification period would end sometime around January 2016 and that his review month would be January 2016.

Thus, the Petitioner did not need to complete a FoodShare interview in August 2015, since that was not his review month, and his FoodShare case should not have closed for lack of an interview. It should be noted that interviews are not required for completion of a six-month report form. *FSH §6.1.2*

CONCLUSIONS OF LAW

The agency did not correctly end the Petitioner's FoodShare benefits, effective October 1, 2015.

THEREFORE, it is

ORDERED

That the agency restore Petitioner's FoodShare benefits effective October 1, 2015. The agency shall take all administrative steps to complete this task within ten days of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 23rd day of October, 2015.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 23, 2015.

Kenosha County Human Service Department
Division of Health Care Access and Accountability